

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the establishment of an international climate data registry.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

S. 2191

To direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRAIG

Viz:

1 At the end of subtitle A of title I, add the following:

2 **SEC. 110 ____ . INTERNATIONAL CLIMATE DATA REGISTRY**

3 **INITIATIVE.**

4 Title XVI of the Energy Policy Act of 1992 (42

5 U.S.C. 13381 et seq.) is amended by adding at the end

6 the following:

7 **“SEC. 1611. INTERNATIONAL CLIMATE DATA REGISTRY INI-**

8 **TIATIVE.**

9 “(a) PURPOSES.—The purposes of this section are—

1 “(1) to establish a new international climate
2 data registry—

3 “(A) to further encourage efforts by per-
4 sons and entities conducting climate change re-
5 search and modeling in the United States;

6 “(B) to encourage those persons and enti-
7 ties to submit climate data that is certified for
8 public use;

9 “(C) to adopt a procedure and uniform
10 format for use by persons and entities in estab-
11 lishing and reporting climate data and baselines
12 in connection with, and furtherance of, climate
13 change policy; and

14 “(D) to provide verification mechanisms to
15 ensure, for participants and the public, a high
16 level of confidence in accuracy and verifiability
17 of reports, data, and climate proxies; and

18 “(2) to provide for the establishment of the
19 International Standards Climate Committee to cer-
20 tify data in the international climate data registry.

21 “(b) DEFINITIONS.—In this section:

22 “(1) COMMITTEE.—The term ‘Committee’
23 means the International Standards Climate Com-
24 mittee established under subsection (d)(1)(A).

25 “(2) ENTITY.—The term ‘entity’ means—

1 “(A) a public person;

2 “(B) a Federal, State, interstate, or local
3 governmental agency, department, or corpora-
4 tion;

5 “(C) an institution of higher education;

6 “(D) a National Laboratory; or

7 “(E) any other publicly-owned organiza-
8 tion.

9 “(3) GREENHOUSE GAS.—The term ‘greenhouse
10 gas’ means—

11 “(A) carbon dioxide;

12 “(B) methane;

13 “(C) nitrous oxide;

14 “(D) hydrofluorocarbons;

15 “(E) perfluorocarbons;

16 “(F) sulfur hexafluoride; and

17 “(G) any other gas that the Director of the
18 Office of Science and Technology Policy, in con-
19 sultation with the National Academy of
20 Sciences, defines as a greenhouse gas for pur-
21 poses of this section, based on credible scientific
22 research.

23 “(4) PROXY DATA.—The term ‘proxy data’
24 means climate temperature data from tree rings, ice
25 samples, sediment samples, and fossil records.

1 “(5) REGISTRY.—The term ‘registry’ means the
2 international climate data registry established under
3 subsection (c)(1)(A).

4 “(6) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Energy, acting through the Admin-
6 istrator of the Energy Information Administration.

7 “(c) INTERNATIONAL CLIMATE DATA REGISTRY.—

8 “(1) ESTABLISHMENT.—

9 “(A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this section, the
11 Secretary, in consultation with the Committee,
12 shall establish an international climate data
13 registry.

14 “(B) ADMINISTRATION.—The registry
15 shall be administered by the Secretary in ac-
16 cordance with applicable provisions of—

17 “(i) this section; and

18 “(ii) the Department of Energy Orga-
19 nization Act (42 U.S.C. 7101 et seq.).

20 “(2) DESIGNATION.—On establishment of the
21 registry under paragraph (1) and issuance of the
22 guidelines in accordance with subsection (d)(2), the
23 registry shall serve as the depository for the United
24 States and any international entity that elects to
25 participate in the registry for data on climate re-

1 search that are collected from, and reported by, per-
2 sons or entities that conduct or evaluate research in
3 the United States or outside the United States.

4 “(3) PARTICIPATION.—

5 “(A) IN GENERAL.—Any person or entity
6 conducting climate science research or other cli-
7 mate science activities may, in accordance with
8 the guidelines issued under subsection (d)(2)
9 and the conditions described in subparagraph
10 (B), voluntarily report to the registry—

11 “(i) proxy data; and

12 “(ii) modeling results using certified
13 proxy data.

14 “(B) CONDITIONS.—The conditions de-
15 scribed in this subparagraph are that—

16 “(i) with respect to a report described
17 in subparagraph (A), the report represents
18 a complete and accurate inventory of—

19 “(I) proxy data; and

20 “(II) any domestic or inter-
21 national climate measurements relat-
22 ing to the proxy data; and

23 “(ii) with respect to a report described
24 in subparagraph (A), the proxy data and

1 climate measurements have been verified
2 by the Committee—

3 “(I) in accordance with the
4 guidelines issued under subsection
5 (d)(2)(B)(ii); or

6 “(II) by other means determined
7 to be appropriate by the Secretary.

8 “(4) CONFIDENTIALITY OF INFORMATION.—
9 Any trade secret information or commercial or fi-
10 nancial information that is privileged and confiden-
11 tial shall not be submitted to the registry under
12 paragraph (3).

13 “(d) IMPLEMENTATION.—

14 “(1) INTERNATIONAL STANDARDS CLIMATE
15 COMMITTEE.—

16 “(A) IN GENERAL.—As soon as practicable
17 after the date of enactment of this section, the
18 Secretary shall establish the International
19 Standards Climate Committee to assist in ad-
20 ministering the registry, including certifying
21 data in the registry.

22 “(B) MEMBERSHIP.—The Committee shall
23 be composed of at least 6 members, including—

24 “(i) the Secretary;

25 “(ii) the Secretary of Commerce;

1 “(iii) the Chairman of the Council on
2 Environmental Quality;

3 “(iv) the Secretary of Agriculture;

4 “(v) the Administrator of the Envi-
5 ronmental Protection Agency; and

6 “(vi) the Secretary of Transportation.

7 “(2) GUIDELINES.—

8 “(A) IN GENERAL.—Not later than 1 year
9 after the date of establishment of the registry
10 under subsection (c)(1)(A), the Secretary, in
11 consultation with the Committee, shall issue
12 guidelines establishing procedures for the ad-
13 ministration of the registry.

14 “(B) CONTENTS.—The guidelines issued
15 under subparagraph (A) shall include—

16 “(i) means and methods to determine
17 whether climate science data is credible,
18 taking into consideration the Committee
19 certification;

20 “(ii) procedures for the verification by
21 the Committee of climate science data—

22 “(I) in accordance with authority
23 available to the Secretary under this
24 section and other applicable provisions
25 of law; and

1 “(II) by taking into consider-
2 ation, to the maximum extent prac-
3 ticable—

4 “(aa) the source of the data;
5 “(bb) any errors in the
6 measurement of the data;

7 “(cc) the procedures used to
8 obtain the data; and

9 “(dd) other relevant factors;
10 “(iii)(I) a range of reference data for
11 reporting of climate science data; and

12 “(II) any benchmark and error and
13 calculation methodologies and practices
14 that may be used as reference data for eli-
15 gible projects;

16 “(iv) safeguards—

17 “(I) to prevent and address cli-
18 mate science data reporting errors
19 (including inadvertent reporting of
20 data) through Committee review; and

21 “(II) to provide for corrections
22 and adjustments in data, as nec-
23 essary;

24 “(v) procedures and criteria for the
25 review, approval, and registration of own-

1 ership or holding of all or any portion of
2 reported, independently-verified climate
3 science data;

4 “(vi) requirements that any climate
5 science measures, methods, and measuring
6 and modeling techniques be fully disclosed,
7 in accordance with procedures established
8 by the Committee; and

9 “(vii) such audit provisions as are
10 necessary to permit any change in data
11 submitted to the registry.

12 “(3) CONSIDERATION.—In developing the
13 guidelines under paragraph (2), the Secretary shall
14 take into consideration—

15 “(A)(i) the guidelines for voluntary climate
16 science data submission;

17 “(ii) the experience of the Secretary in ap-
18 plying those guidelines; and

19 “(iii) any revision to those guidelines initi-
20 ated by the Secretary in response to changing
21 climate science analysis policy or research tech-
22 niques;

23 “(B) protocols and guidelines developed
24 under any Federal or State voluntary climate
25 science data reporting program; and

1 “(C) the guidelines established under sec-
2 tion 515 of the Treasury and General Govern-
3 ment Appropriations Act, 2001 (commonly
4 known as the ‘Data Quality Act’) (44 U.S.C.
5 3516 note; 114 Stat. 2763A–1543), as enacted
6 into law by section 1(a)(3) of Public Law 106–
7 554.

8 “(4) EXPERTS AND CONSULTANTS.—

9 “(A) IN GENERAL.—In accordance with
10 section 3109 of title 5, United States Code, the
11 Secretary and any member of the Committee
12 may secure the services of 1 or more experts or
13 consultants in the private and nonprofit sectors
14 in the areas of greenhouse gas measurement,
15 certification, and emission trading.

16 “(B) GRANTS, CONTRACTS, AND AGREE-
17 MENTS.—In securing a service under subpara-
18 graph (A), the Secretary or the member of the
19 Committee securing the service may use any
20 grant, contract, cooperative agreement, or other
21 arrangement authorized by applicable law and
22 available to the Secretary or the member of the
23 Committee.

24 “(5) PUBLIC COMMENT.—The Secretary shall—

1 “(A) make the guidelines issued under
2 paragraph (2) available in draft form for public
3 notice and opportunity for comment for a pe-
4 riod of at least 90 days; and

5 “(B) after that 90-day period, adopt the
6 guidelines for use in implementing this section.

7 “(6) REVIEW AND REVISION.—The Secretary,
8 through the Committee, shall periodically review
9 and, as necessary, revise, in accordance with para-
10 graph (5), the guidelines issued under paragraph
11 (2).

12 “(e) VOLUNTARY AGREEMENTS.—

13 “(1) IN GENERAL.—Any person or entity may
14 voluntarily enter into an agreement with the Sec-
15 retary to provide for the annual reporting to the reg-
16 istry of the greenhouse gas emissions of the person
17 or entity.

18 “(2) PUBLIC NOTICE AND COMMENT.—

19 “(A) IN GENERAL.—Not later than 30
20 days before the date on which an agreement de-
21 scribed in paragraph (1) is finalized, the Sec-
22 retary shall—

23 “(i) publish in the Federal Register a
24 notice of finalization for the agreement;
25 and

1 “(ii) provide an opportunity for writ-
2 ten public comment.

3 “(B) COMMENTS.—The Secretary—

4 “(i) shall review each comment re-
5 ceived under subparagraph (A)(ii); and

6 “(ii) after reviewing the comments,
7 may—

8 “(I) withdraw the agreement de-
9 scribed in paragraph (1); or

10 “(II) agree with each person or
11 entity that is a party to the agree-
12 ment to—

13 “(aa) revise and finalize the
14 agreement; or

15 “(bb) finalize the agreement
16 without substantive change.

17 “(f) MEASUREMENT AND VERIFICATION.—

18 “(1) IN GENERAL.—The Secretary of Com-
19 merce, acting through the Director of the National
20 Institute of Standards and Technology and in con-
21 sultation with the Secretary, shall develop standards
22 and best practices for accurate measurement and
23 verification of greenhouse gas emissions and emis-
24 sions reductions.

1 “(2) COMPONENTS.—The standards and best
2 practices developed under paragraph (1) shall ad-
3 dress the need for—

4 “(A) standardized measurement and
5 verification practices for reports made by all
6 persons and entities participating in the reg-
7 istry, taking into account—

8 “(i) protocols and standards already
9 in use by persons or entities desiring to
10 participate in the registry;

11 “(ii) boundary issues, such as leakage
12 and shifted use;

13 “(iii) avoidance of duplicative count-
14 ing and reporting of greenhouse gas emis-
15 sions and emission reductions; and

16 “(iv) such other factors as the Sec-
17 retary of Commerce and the Secretary de-
18 termine to be appropriate; and

19 “(B) measurement and verification of ac-
20 tions taken to reduce, avoid, or sequester green-
21 house gas emissions.

22 “(g) CERTIFIED INDEPENDENT THIRD PARTIES.—
23 The Secretary and the Secretary of Commerce, acting
24 through the Director of the National Institute of Stand-
25 ards, shall develop standards for certification of parties

1 to verify the accuracy and reliability of reports submitted
2 under this section, including standards that—

3 “(1) prohibit a certified party from partici-
4 pating in the registry through the ownership or
5 transaction of transferable credits recorded in the
6 registry;

7 “(2) prohibit the receipt by a certified party of
8 compensation in the form of a commission received
9 by the certified party based on the quantity of emis-
10 sion reductions verified by the certified party; and

11 “(3) authorize certified parties to enter into
12 agreements with persons engaged in trading of
13 transferable credits recorded in the registry.

14 “(h) REPORT TO CONGRESS.—

15 “(1) IN GENERAL.—Not later than 1 year after
16 the date of issuance of guidelines under subsection
17 (d)(2), and biennially thereafter, the President, act-
18 ing through the Committee, shall submit to Congress
19 a report on the status of the registry.

20 “(2) CONTENTS.—The report shall contain an
21 assessment, expressed in terms of geographic loca-
22 tions and national emissions represented, of the level
23 of participation in the registry.

1 “(i) TERMINATION OF AUTHORITY.—The authority
2 provided by this section terminates effective December 31,
3 2010.”.